

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-17174 of 2014

Date of decision: 01.11.2019

Sita Ram Arya and another

.... Petitioners

versus

Dakshin Haryana Bijli Vitran Nigam Ltd and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vivek Khatri, Advocate
for the petitioners.

Mr. P.S. Poonia, Advocate
for the respondents.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance, which is being raised by the petitioners is that their pay has not been stepped up equivalent to that of one Ram Chander, who, though, was junior to the petitioners in the cadre of Junior Draftsman but was promoted in preference to the petitioners on the basis of reservation and upon catching the said Ram Chander in the cadre of Head Draftsman, the petitioners were entitled for stepping up of their pay equivalent to that of Ram Chander.

The respondents have contested the claim of the petitioners and in their written statement they have stated that at no given point of time, before Ram Chander died on 23.10.2011, the petitioners had caught him in the cadre of Head Draftsman. Relevant paragraphs of the written statement are as under:-

“That by filing the present petition, the petitioners have sought stepping up of their pay at par with Ram Chander, their junior counter part of reserved category, on the post of Head

Draftsman. Said Ram Chander had joined on 9.12.1982 as junior Draftsman with the erstwhile HSEB. He was promoted as draftsman on 8.8.1985 and as head draftsman on 16.09.1988. He expired working as such on 23.10.2011. A comparative chart of service particulars of the petitioners viz a viz said Ram Chander of reserved category is as follows:-

<i>Sr. No.</i>	<i>Name & D.O.B. S/Sh.</i>	<i>Sty No.</i>	<i>DOJ as JDM</i>	<i>DOJ as DM</i>	<i>DOJ as HDM</i>	<i>DOJ as CHD</i>	<i>Remarks</i>
1	Sita Ram Arya (DOB:4.4.62)	155	10/02/82		24.11.91 30.8.12	---	Due to be retired on 30.4.20
2	Ashok Kumar (DOB:13.10.59)	147	18.1.80	01/01/90	02/02/12	---	Due to be retired on 31.10.17
Junior Reserved category employee	Ram Chander (SC) (DOB:9.5.61)	158	09/12/82	08/08/85	16.9.88	---	Expired on 23.10.11.

That the claim raised by the petitioners seeking stepping up of their pay at par with their junior counterpart namely Ram Chander belonging to reserved category on the post of Head Draftsman is not feasible to be accepted after applying the catch up principle as envisaged in *Ajit Singh Janjua and others vs. State of Punjab and others*, JT, 1999 (7) SC 153. It has been found that the petitioners had not caught up with their above said reserved category counterpart at any level/post till 23.10.2011 when he expired. In this view of the matter, the petitioners are not entitled for stepping up of their pay at par with their reserved category counterpart namely Ram Chander on the post of Head Draftsman . Hence, the present writ petition is liable to be dismissed on this score alone."

Learned counsel for the petitioners is unable to dispute the position as has been stated by the respondents in their reply.

Stepping up of pay can only be done, if a senior general category employee catches his reserved category junior employee in the promoted cadre and regain seniority. As per the settled principle of law settled by Hon'ble Supreme Court of India in **Ajit Singh and others vs. State of Punjab and others JT 1999(7) SC, 153** only in case general category candidate is able to catch his junior reserved category candidate in the promoted cadre and becomes senior, he is entitled for step up of his pay.

In the present case, the petitioners were never able to catch the said Ram Chander in any of the promoted cadre till Ram Chander died on

23.10.2011, therefore, the claim of the petitioners is without any valid justification.

In the facts and circumstances of the present case, the petitioners are not entitled for step up of their pay equivalent to that of Ram Chander, thus, the present writ petition is dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

01.11.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |